IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

WP(C).No. 27459 of 2007(R)

PETITIONER:

CHANDRAGIRI CONSTRUCTION COMPANY,
3/402 A, BACKER CHAMBER, V KARAT ROAD, WEST NADAKAVU, KOZHIKODE - 673 011, REPRESENTED BY ITS PARTNER K.M.MOHAMMED SHERIFF, PUDHOOR HOUSE, THEKKIL P.O., KASARAGOD.

BY ADV. SRI.K.BABU THOMAS

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT, PUBLIC WORKS DEPARTMENT, SECRETARIAT, TRIVANDRUM.**

2. **THE PROJECT DIRECTOR, KERALA PWD, KSTP, TC-47/1795, 2ND FLOOR RAJADHANI COMPLEX, OPPOSITE PRS HOSPITAL, KARAMANA P.O., TRIVANDRUM - 695 002.**

3. **THE CHIEF ENGINEER (PROJECTS), KERALA PWD, KSTP,/PMT, TC-47/1795, 2ND FLOOR RAJADHANI COMPLEX, OPPOSITE PRS HOSPITAL, KARAMANA P.O., TRIVANDRUM - 695 002.**

4. **THE SUPERINTENDING ENGINEER, KERALA PWD, KSTP/PMT, TC-47/1795, 2ND FLOOR RAJADHANI COMPLEX, OPPOSITE PRS HOSPITAL, KARAMANA P.O., TRIVANDRUM - 695 002.**

5. **THE EXECUTIVE ENGINEER, KERALA PWD, KSTP DIVISION, PONKUNNAM, KANJIRAPPILLY P.O., - 680 507, KOTTAYAM DISTRICT.**

6. THE EXECUTIVE ENGINEER,
KERALA PWD, KSTP DIVISION,
KUTTIPPURAMM PO., 679 571,
MALAPPURAM DISTRICT.

7. THE EXECUTIVE ENGINEER,
KERALA PWD, KSTP DIVISION,
NEAR MILITARY HOSPITAL, WELLESLY ROAD,
KANNUR - 670001.

8. SRI.JOSEPH UMMEN, FINANCE CONTROLLER,
KSTP, PMT, TC 47/1795, IIND FLOOR,
RAJADHANI COMPLEX, KARAMANA P.O.,
TRIVANDRUM - 695 002.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 27459 OF 2007 R
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Dated this the 18th day of October, 2007

J U D G M E N T

The challenge in this writ petition is against Ext.P13 order passed by the 1st respondent pursuant to Ext.P12 order in WP(C) No.15440/07. The complaint of the petitioner is that the impugned order was passed without notice and that materials that have been relied on were not disclosed to them.

2. Learned Government pleader on instructions confirms that notice was not issued to the petitioner before Ext.P13 was passed.

3. If that be so, the order cannot be sustained for violation of principles of natural justice. The other contention, that is, documents were relied without disclosing the contents of the same to the petitioner, has to be accepted on the same reason. If that be so, Ext.P13 cannot be sustained for this reason as well.

4. Accordingly, Ext.P13 will stand quashed with a

direction to the 1st respondent to reconsider Ext.P10 herein with notice to the petitioner and to disclose him the materials that are sought to be relied on against it. This the 1st respondent shall do within eight weeks of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the 1st respondent for compliance.

ANTONY DOMINIC, JUDGE.

Rp